IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22051 OF 1997

Dated: January 31, 2007

Between:

R. Raju @ J. Raju, S/o. Shankerru, aged about 35 years, Occ: usiness, R/o. Kanukunta village, Ramachandrapuram Mandal, Medak District.

... Petitioner

And

The Mandal Revenue Officer, Ramachandrapuram Mandal, Medak District, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in taking steps to demolish the mulgi of the petitioner bearing H.No.21-75/2, situated at Kanukunta village, Ramachandrapuram Grampanchayat and Mandal, Medak District, for the purpose of road widening, as illegal and arbitrary.

2. Petitioner claims to be the absolute owner and possessor of the aforesaid house, wherein he has opened a

meat shop, by obtaining a valid license. It is stated that he has constructed the said house after obtaining necessary permission from the Grampanchayat concerned and is also paying taxes regularly. His grievance is that respondents are taking steps to demolish his mulgi for the purpose of road widening, without issuing any notice and without initiating appropriate proceedings under the Land Acquisition Act, 1894 (for short 'the Act'). At that stage, he has approached this court.

3. This court, while admitting the Writ petition, by order dated
12-09-1997, passed in W.P.M.P.No.26866 of 1997, directed the respondents not to demolish the mulgi of the petitioner aforementioned, pending further orders.

4. Though the Writ Petition is of the year 1997, no counter affidavit has been filed and the interim order granted by this court has been continuing all along. Learned Government Pleader appearing for the respondents submits that he has no instructions in the matter.

5. If private lands or any part thereof, are required for any public purpose, the same have to be taken possession of either by the owner's consent or by initiating appropriate proceedings under the Act. As much as it is stated that petitioner has constructed the mulgi in his private patta land, after obtaining permission from the Grampanchayat concerned, I dispose of the Writ Petition Petition directing the respondents not to deprive the petitioner of his mulgi

aforementioned or any part thereof, without following due process of law. It is made clear that if the land of the petitioner is required for laying road, respondents are not precluded from taking steps to acquire the same in accordance with law. No costs.

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JUSTICE R. SUBHASH REDDY.

January 31, 2007
MRR